

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREW BOEHM,

Plaintiff,

8:21-CV-191

vs.

JOHN DOE, an unknown business entity;

Defendant.

MEMORANDUM AND ORDER

Andrew Boehm sued Pig Art Graphics, LLC, (“Pig Art”) and John Doe, an unknown business entity, under the Telephone Consumer Protection Act. In its October 1, 2021, Order, the Court granted Boehm default judgment against Pig Art. [Filing 10](#). In that same order, the Court noted that an unknown business entity was the only remaining defendant in the case after it granted default judgment against Pig Art. [Filing 10 at 4](#). Under [Federal Rule of Civil Procedure 4\(m\)](#), “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” [Fed. R. Civ. P. 4\(m\)](#). Pursuant to this rule, the Court ordered Boehm to serve process on John Doe or dismiss John Doe as a defendant within 30 days. [Filing 10 at 4](#). The Court explained that if Boehm failed to comply the Court may dismiss John Doe without further notice. [Filing 10 at 4](#).

More than thirty days has passed since the Court ordered Boehm to serve John Doe or dismiss John Doe as a defendant. The Court therefore dismisses Boehm's claims against John Doe without prejudice and will enter final judgment in this case. Accordingly,

IT IS ORDERED:

1. Andrew Boehm's claims against John Doe is dismissed without prejudice;
2. John Doe is terminated as a party to this case; and
3. The Court will enter a separate judgment.

Dated this 9th day of November, 2021.

BY THE COURT:



Brian C. Buescher
United States District Judge